

# **EXHIBIT "B"**

**CHANTEL MARIE  
GIAMANCO**



# HUMAN IDENTIFICATION TECHNOLOGIES, INC.

440 Business Center Court, Redlands, CA 92373

1-877-DNA2HIT

909-557-1831 (FAX)

## Testing Report



An ASCLD/LAB-International accredited laboratory (since 2007)

### Testing Performed

STR Typing

HIT Case #:	DT-08-0033	Date of Report:	June 30, 2008
Client:	Peter Hanano First Deputy Prosecuting Attorney County of Maui		
Address:	150 South High Street Wailuku, Hawaii 96793	Administrative Review	<i>Mehl Argus</i>
Phone:	808-270-7777	<i>[Signature]</i>	
Fax:	808-270-7625		
Client Case#(s):	04-00743 DAE-Lek	Date:	<u>6/30/08</u>

### Evidence

On June 5, 2008, Human Identification Technologies, Inc. received the following items of evidence from the Maui Police Department, CID via Federal Express:

Item Designation	Description
N/A	Fingernail scrapings (10) from Cabaccang
2	Baseball cap
6	Jacket

The evidence was assigned the following HIT, Inc. item designations and barcode numbers:

HIT Item Designation	Description	Barcode Number
1	Fingernail scrapings (10) from Cabaccang	08000070
2	Baseball cap	08000071
3	Jacket	08000072

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**SUMMARY**

The STR-DNA alleles detected from item 1.1 [scrapings (3 fingers) and swab of packaging (1) from right hand] indicate a single source, male, STR-DNA profile. Vilmar Cabaccang is included as a possible contributor. Taryn Christian and James Hina Burkhart are excluded as possible contributors.

The three STR-DNA alleles detected from item 1.2 [scrapings (3 fingers) and swab of packaging (1) from left hand] are consistent with a low level, partial, STR-DNA result. The alleles detected are consistent with Vilmar Cabaccang. No alleles foreign to Vilmar Cabaccang were detected. Taryn Christian and James Hina Burkhart are excluded as possible contributors of the three alleles.

Blood was not detected from item 2.1.A (swabs from front band area of baseball cap). Human DNA was not detected.

Although a low level of human DNA was detected from item 2.1.B (swab from left side of band area of baseball cap), an STR-DNA profile was not obtained.

Human blood is present on item 3.1 (cutting from lower back side of jacket) and item 3.2 (cutting from front, middle, near the seam of jacket). The STR-DNA alleles detected indicate a single source, male, STR-DNA profile. The STR-DNA profile detected matches the DNA profile determined for Vilmar Cabaccang. Taryn Christian and James Hina Burkhart are excluded as possible contributors.

**Examinations**

The following item was examined visually and with an Alternate Light Source for the location of possible biological stains. Two areas of this item were also screened for the presence of blood and tested using a more specific test for the presence of human blood:

HIT Item Designation	Description
3	Jacket

The following item was screened for the presence of blood:

HIT Item Designation	Description
2	Baseball cap (4 areas on inner band near bill)

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The following items were extracted for DNA analysis:

HIT Item Designation	Description
1.1	Scrapings (3 fingers) and swab of packaging (1) from right hand
1.2	Scrapings (3 fingers) and swab of packaging (1) from left hand
2.1.A	Swabs (2) from front band area of baseball cap
2.1.B	Swab from left side of band area of baseball cap
3.1	Cutting from lower back side of jacket
3.2	Cutting from front, middle, near the seam of jacket

The extracts were evaluated for the presence of human DNA. All of the extracts, except item 2.1.A, were then amplified using the Identifiler™ kit, and analyzed on a 310 Genetic Analyzer.

The alleles detected were then compared to the STR-DNA profiles determined for the following reference samples (from SERI Second Analytical Report dated June 10, 2008):

- Reference From - Vilmar Cabaccang
- Reference From - Taryn Christian
- Hair Reference - James Hina Burkhart

#### Results

Possible biological stains were observed visually on the following item. Alternate Light Source examination revealed no additional stains. This item screened positive for the presence of blood and tested positive using a more specific test for human blood:

HIT Item Designation	Description
3	2 questioned areas located on the jacket

The following item screened negative for the presence of blood:

HIT Item Designation	Description
2	Baseball cap (4 areas on inner band near bill)

The DNA typing results are presented in Tables I, II, and III on the following pages. The DNA typing results for the reference samples (from SERI Second Analytical Report dated June 10, 2008) are also presented in Tables I, II, and III.

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Conclusions**ITEM 1.1 - SCRAPINGS (3 FINGERS) AND SWAB OF PACKAGING FROM RIGHT HAND**

The STR-DNA results indicate a single source, male, STR-DNA profile. Degradation is indicated. Vilmar Cabaccang is included as a possible contributor. Taryn Christian and James Hina Burkhart are excluded as possible contributors. This STR-DNA profile can be expected to occur in unrelated individuals at random in:

Less than 1 in 7 billion African-Americans [calculated as 1 in  $2.8 \times 10^{23}$  (280 sextillion)]

Less than 1 in 7 billion Caucasians [calculated as 1 in  $1.2 \times 10^{23}$  (120 sextillion)]

Less than 1 in 7 billion Southwestern Hispanics [calculated as 1 in  $4.5 \times 10^{22}$  (45 sextillion)]

**ITEM 1.2 - SCRAPINGS (3 FINGERS) AND SWAB OF PACKAGING FROM LEFT HAND**

The three STR-DNA alleles detected are consistent with a low level, partial STR-DNA result. Male DNA was detected. Inhibition is indicated. The alleles detected are consistent with Vilmar Cabaccang. No alleles foreign to Vilmar Cabaccang were detected. Taryn Christian and James Hina Burkhart are excluded as possible contributors of the three alleles. Individuals meeting the criteria for inclusion as a potential contributor of the three STR-DNA alleles detected in this low level, partial DNA result can be expected to occur at random among the following unrelated individuals:

1 in 28 African Americans

1 in 57 Caucasians

1 in 11 Southwestern Hispanics

**ITEM 2.1.A - SWABS (2) FROM FRONT BAND AREA OF BASEBALL CAP**

Blood was not detected. Human DNA was not detected.

**ITEM 2.1.B - SWAB FROM LEFT SIDE OF THE BAND AREA OF BASEBALL CAP**

Although a low level of human DNA was detected, an STR-DNA profile was not obtained.

**ITEM 3.1 - CUTTING FROM LOWER BACK SIDE OF JACKET**

Human blood is present. The STR-DNA results indicate a single source, male, STR-DNA profile. The STR-DNA profile detected matches the DNA profile determined for Vilmar Cabaccang. Taryn Christian and James Hina Burkhart are excluded as possible contributors. This STR-DNA profile, which matches Vilmar Cabaccang, can be expected to occur in unrelated individuals at random in:

Less than 1 in 7 billion African-Americans [calculated as 1 in  $3.0 \times 10^{24}$  (3.0 septillion)]

Less than 1 in 7 billion Caucasians [calculated as 1 in  $1.0 \times 10^{24}$  (1.0 septillion)]

Less than 1 in 7 billion Southwestern Hispanics [calculated as 1 in  $6.8 \times 10^{23}$  (680 sextillion)]

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**ITEM 3.2 – CUTTING FROM FRONT, MIDDLE, NEAR THE SEAM OF THE JACKET**

Human blood is present. The STR-DNA results indicate a single source, male, STR-DNA profile. The STR-DNA profile detected matches the DNA profile determined for Vilmar Cabaccang. Taryn Christian and James Hina Burkhart are excluded as possible contributors. This STR-DNA profile, which matches Vilmar Cabaccang, can be expected to occur in unrelated individuals at random in:

Less than 1 in 7 billion African-Americans [calculated as 1 in  $3.0 \times 10^{24}$  (3.0 septillion)]

Less than 1 in 7 billion Caucasians [calculated as 1 in  $1.0 \times 10^{24}$  (1.0 septillion)]

Less than 1 in 7 billion Southwestern Hispanics [calculated as 1 in  $6.8 \times 10^{23}$  (680 sextillion)]

**Disposition of Evidence**

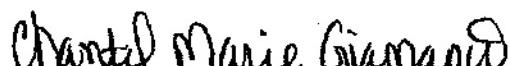
Evidence under barcode numbers 08000070, 08000071, and 08000072 is temporarily secured at Human Identification Technologies, Inc. and will be returned to Maui Police Department, CID.

The following DNA analysis by-products will be stored at Human Identification Technologies, Inc. under barcode number 08000080 for a minimum of ten years:

Extracted DNA fractions: Items 2.1.A, 2.1.B (consumed), SC (consumed), EC, RB (consumed), 1.1, 1.1 (1:10), 1.2, SC-2, EC-2, RB-2, 3.1, 3.1 (1:10), 3.2, 3.2 (1:10), EC-3, RB-3

Extracted substrates: Items 2.1.A, 2.1.B, SC, SC-2, 3.1, and 3.2

The agency(s) from which the original evidence was received must notify Human Identification Technologies, Inc. in writing 90 days prior to the date of destruction of the DNA analysis by-products if said agency(s) require extended storage of the DNA analysis by-products generated by Human Identification Technologies, Inc.



Chantel Marie Giamanco  
Forensic Scientist



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## Testing Report

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### Supplemental Report I

#### Testing Performed STR Typing

HIT Case #:	DT-08-0033	Date of Report:	July 8, 2008
Client:	Peter Hanano First Deputy Prosecuting Attorney County of Maui		
Address:	150 South High Street Wailuku, Hawaii 96793	Administrative Review	
Phone:	808-270-7777	By:	
Fax:	808-270-7625		
Client Case#(s):	04-00743 DAE-Lek		

Kelli Fenesan  
Date: July 8, 2008

#### Evidence

See HIT, Inc. report dated June 30, 2008 for a description of evidence items and the corresponding HIT, Inc. item designations and barcode numbers.

#### SUMMARY

See HIT, Inc. report dated June 30, 2008 for a previous summary.

The low level of human DNA detected from item 2.1.C [cuttings (5) from inner band of baseball cap] did not produce STR-DNA typing results.

#### Examinations

See HIT, Inc. report dated June 30, 2008 for a description of previous examinations.

The following item was extracted for DNA analysis:

HIT Item Designation	Description
2.1.C	Cuttings (5) from inner band of baseball cap

The extract was evaluated for the presence of human DNA. The extract was then amplified using the Identifier™ kit, and analyzed on a 310 Genetic Analyzer.

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Conclusions

See HIT, Inc. report dated June 30, 2008 for previous conclusions.

**ITEM 2.1.C - CUTTINGS (5) FROM INNER BAND OF BASEBALL CAP**

The low level of human DNA detected did not produce STR-DNA typing results.

Disposition of Evidence

See HIT, Inc. report dated June 30, 2008 for previous disposition of evidence.

The following DNA analysis by-products will be added to the contents of barcode number 08000080 and will be stored at Human Identification Technologies, Inc. for a minimum of ten years:

Extracted DNA fractions: Items 2.1.C (consumed), EC-4, and RB-4 (consumed)

Extracted substrates: Item 2.1.C

The agency(s) from which the original evidence was received must notify Human Identification Technologies, Inc. in writing 90 days prior to the date of destruction of the DNA analysis by-products if said agency(s) require extended storage of the DNA analysis by-products generated by Human Identification Technologies, Inc.

Chantel Marie Giamanco

Chantel Marie Giamanco

Forensic Scientist

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**Description of Testing Methodologies Employed**

(‘x’ indicates method used in this case)

**Body Fluid Testing**

Ortho-tolidine	Used as a presumptive test for suspected bloodstains
Acid Phosphatase (AP)	Used as a presumptive test for suspected semen stains
Alternate Light Source (ALS)	Used to locate biological stains such as semen by promoting fluorescence
Radial diffusion	Used for detection of amylase (an enzyme found in high concentration in saliva)
ABAcard® HemaTrace®	Used in concert with sample appearance, the ortho-tolidine test, and human DNA typing results to determine if human blood is present. Note: this test is known to cross-react with higher primates and ferrets. Therefore, a conclusion that human blood is present is based on the entire analysis scheme and assumes the absence of ferret and/or higher primate blood.
SERATEC® PSA SEMIQUANT	Used as a confirmatory test for seminal fluid. Detects the presence of prostate-specific antigen (PSA).
Cellular microscopy	Extracts are stained with safranin (or nuclear fast red) followed by picroindigocarmine

**DNA Extraction**

X	Organic extraction (phenol/chloroform, Microcon®)
	Differential extraction-designed to separate non-sperm cell DNA from sperm cell DNA (phenol/chloroform, Microcon®)
	QIAamp® DNA Micro
	Concentration of extracts using Vacufuge

**DNA Quantitation**

X	Applied Biosystems Quantifiler™ run on an ABI Prism® 7000 Sequence Detection System
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**DNA Amplification**

X	Applied Biosystems AmpFlSTR® Identifier™ PCR Amplification Kit
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Polymerase Chain Reaction (PCR) is used to amplify the following short tandem repeat (STR) loci:

D8S1179 D3S1358 D2S1338 D18S51  
D21S11 TH01 D19S433 D5S818  
D7S820 D13S317 vWA FGA  
CSF1PO D16S539 TPOX

Plus: Amelogenin (gender determination locus)

**STR Typing**

X	Capillary electrophoresis using ABI Prism® 310 Genetic Analyzer
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